

**REMARKS/ARGUMENTS**

Claims 1-3, 5-14 and 18-20 remain pending in this application. By this Amendment, claim 1 is amended and claims 4, 15-17 are cancelled. Reconsideration in light of the above amendments and the following remarks is respectfully requested.

The Office Action rejects claims 1, 2, 6-14, and 18 under 35 USC §102(b) over US Patent No. 5,503,442 to Lee. The Office Action also rejects claims 1, 7, 19, and 20 under 35 USC §102(b) over US Patent No. 4,225,174 to Hennessy et al. (Hennessy). Further, the Office Action rejects claims 3, 4, 5, 15 and 17 under 35 USC §103(a) over Lee in view of US Patent No. 3,986,744 to Krogstad et al. (Krogstad). These rejections are respectfully traversed.

The invention is directed to an animal waste collection device for collecting waste into a bag without soiling a user of the animal waste collection device, where the device includes *inter alia* an elongated handle comprising an actuator assembly at one end of the elongated handle; a pick-up and collection device disposed at an end of the elongated handle from the actuator assembly and the pick-up and collection device comprising movable collection members and an elongated base member, where the movable collection members are movably connected to the elongated base member, which is fixed to the handle of the animal waste collection device; a linkage operably connected at a first end to the actuator assembly and extending between the actuator assembly and the pick-up and collection device; a transmission element operably connected to the linkage at the pick-up and collection device, so the transmission element is also operably connected to the movable collection members for transmitting movement from the actuator assembly

through the linkage and the transmission element to each of the closure members to move each of the movable collection members between open and closed movable collection members positions; and therefore the pick-up and collection device is adapted to receive a bag for receiving and storing animal waste collected by the animal waste collection device; Further, Applicant respectfully submits that the animal waste collection device's the open end of the bag can be secured to provide access to an interior of the bag through openings or open ends of the collection members when the actuator assembly moves the movable collection members to the open position for collecting waste. The movable collection members of the instant innovation are connected to the elongated base member in a pivoting movable configuration by at least one pin and are connected to the elongated base member by at least one biasing member, and each collection member comprises a generally flat planar side, an angled connection side, an elongated side, and a collection side, and the movable collection members and the elongated base member are configured, so that when the animal waste collection device is in the closed position to form a substantially closed unit with openings at ends of a longitudinal axis of the pick-up and collection device. Further, the generally flat planar side of the movable collection member comprises a set of slots that cooperate with tabs and cutouts in the elongated base member to position and retain the biasing members on the pins, wherein the biasing member is a coil spring.

Applicant respectfully submits that the applied art set forth in the instant claims define patentable subject matter over the applied art, either alone or in combination. Applicant respectfully submits that neither Lee, Hennessy, nor Krogstad teach, suggest, or disclose the claimed animal waste collection device for collecting waste into a bag without

soiling a user of the animal waste collection device. In particular, Applicant respectfully submits that the applied art, either alone or in combination, does not teach, suggest, or disclose an animal waste collection device for collecting waste into a bag without soiling a user of the animal waste collection device, where the device includes *inter alia* an elongated handle comprising an actuator assembly at one end of the elongated handle; a pick-up and collection device disposed at an end of the elongated handle from the actuator assembly and the pick-up and collection device comprising movable collection members and an elongated base member, where the movable collection members are movably connected to the elongated base member, which is fixed to the handle of the animal waste collection device; a linkage operably connected at a first end to the actuator assembly and extending between the actuator assembly and the pick-up and collection device; a transmission element operably connected to the linkage at the pick-up and collection device, so the transmission element is also operably connected to the movable collection members for transmitting movement from the actuator assembly through the linkage and the transmission element to each of the closure members to move each of the movable collection members between open and closed movable collection members positions; and therefore the pick-up and collection device is adapted to receive a bag for receiving and storing animal waste collected by the animal waste collection device; Further, Applicant respectfully submits that the animal waste collection device's the open end of the bag can be secured to provide access to an interior of the bag through openings or open ends of the collection members when the actuator assembly moves the movable collection members to the open position for collecting waste. The movable collection members of the instant

innovation are connected to the elongated base member in a pivoting movable configuration by at least one pin and are connected to the elongated base member by at least one biasing member, and each collection member comprises a generally flat planar side, an angled connection side, an elongated side, and a collection side, and the movable collection members and the elongated base member are configured, so that when the animal waste collection device is in the closed position to form a substantially closed unit with openings at ends of a longitudinal axis of the pick-up and collection device. Further, the generally flat planar side of the movable collection member comprises a set of slots that cooperate with tabs and cutouts in the elongated base member to position and retain the biasing members on the pins, wherein the biasing member is a coil spring.

For example, and in no way limiting of the invention, Applicant respectfully submits that Lee does not teach, suggest, or disclose an animal waste collection device for collecting waste into a bag without soiling a user of the animal waste collection device, where the device includes *inter alia* an elongated handle comprising an actuator assembly at one end of the elongated handle; a pick-up and collection device disposed at an end of the elongated handle from the actuator assembly and the pick-up and collection device comprising movable collection members and an elongated base member, where the movable collection members are movably connected to the elongated base member, which is fixed to the handle of the animal waste collection device; a linkage operably connected at a first end to the actuator assembly and extending between the actuator assembly and the pick-up and collection device; a transmission element operably connected to the linkage at the pick-up and collection device, so the transmission element is also operably connected to the

movable collection members for transmitting movement from the actuator assembly through the linkage and the transmission element to each of the closure members to move each of the movable collection members between open and closed movable collection members positions; and therefore the pick-up and collection device is adapted to receive a bag for receiving and storing animal waste collected by the animal waste collection device; Further, Applicant respectfully submits that the animal waste collection device's the open end of the bag can be secured to provide access to an interior of the bag through openings or open ends of the collection members when the actuator assembly moves the movable collection members to the open position for collecting waste. The movable collection members of the instant innovation are connected to the elongated base member in a pivoting movable configuration by at least one pin and are connected to the elongated base member by at least one biasing member, and each collection member comprises a generally flat planar side, an angled connection side, an elongated side, and a collection side, and the movable collection members and the elongated base member are configured, so that when the animal waste collection device is in the closed position to form a substantially closed unit with openings at ends of a longitudinal axis of the pick-up and collection device. Further, the generally flat planar side of the movable collection member comprises a set of slots that cooperate with tabs and cutouts in the elongated base member to position and retain the biasing members on the pins, wherein the biasing member is a coil spring.

In Lee, as is evident in Figure 1, the "scoop" assembly 4 forms an essentially closed clam-shell like configuration. The scoop, in its closed configuration (Fig. 1 and elsewhere), constitutes a closed trap-like element with no openings for Clearly, Lee does not teach,

suggest, or disclose openings in the "closed: position" for conveyance of the feces to the bag from the collection members. In fact if one were to attempt to removes the sides from the Lee apparatus, it appears that the Lee device would not operate as intended. The instant innovation provides for an open ended elongated container/collection configuration along its axis X, and as illustrated, there are no obstructions along this X axis, which is in distinct and direct opposition to the Lee the closed container assemblage.

Accordingly, Applicant respectfully submits that Lee does not teach, suggest, or disclose each element of the claimed invention, and thus cannot constitute a proper reference under 35 USC §102. Therefore, withdrawal of the rejection is respectfully requested.

Similarly, Applicant respectfully submits that Hennessy does not teach, suggest, or disclose the invention as set forth in the claims. Applicant respectfully submits that Hennessy does not teach, suggest, or disclose an animal waste collection device for collecting waste into a bag without soiling a user of the animal waste collection device, where the device includes *inter alia* an elongated handle comprising an actuator assembly at one end of the elongated handle; a pick-up and collection device disposed at an end of the elongated handle from the actuator assembly and the pick-up and collection device comprising movable collection members and an elongated base member, where the movable collection members are movably connected to the elongated base member, which is fixed to the handle of the animal waste collection device; a linkage operably connected at a first end to the actuator assembly and extending between the actuator assembly and the pick-up and collection device; a transmission element operably connected to the linkage at

the pick-up and collection device, so the transmission element is also operably connected to the movable collection members for transmitting movement from the actuator assembly through the linkage and the transmission element to each of the closure members to move each of the movable collection members between open and closed movable collection members positions; and therefore the pick-up and collection device is adapted to receive a bag for receiving and storing animal waste collected by the animal waste collection device; Further, Applicant respectfully submits that the animal waste collection device's the open end of the bag can be secured to provide access to an interior of the bag through openings or open ends of the collection members when the actuator assembly moves the movable collection members to the open position for collecting waste. The movable collection members of the instant innovation are connected to the elongated base member in a pivoting movable configuration by at least one pin and are connected to the elongated base member by at least one biasing member, and each collection member comprises a generally flat planar side, an angled connection side, an elongated side, and a collection side, and the movable collection members and the elongated base member are configured, so that when the animal waste collection device is in the closed position to form a substantially closed unit with openings at ends of a longitudinal axis of the pick-up and collection device. Further, the generally flat planar side of the movable collection member comprises a set of slots that cooperate with tabs and cutouts in the elongated base member to position and retain the biasing members on the pins, wherein the biasing member is a coil spring.

In Hennessy, a pair of pick up jaws 12 form an almost totally closed box configuration, almost as in Lee. Hennessy does provide for a small non-functional space in

the closed configuration (Fig. 5) of the jaws 12, however, this space does not serve the egress for the feces to the bag as in the instant invention. Further, Applicant respectfully submits that the space in Hennessy is not for function in the waste collection purpose of the Hennessy device and can in no way be equated or compared to the fully functioning and intended waste collection and utilitarian aspect of the openings along the X axis of the instant invention. Therefore, Hennessy does not teach, suggest, or disclose the invention herein.

Accordingly, Applicant respectfully submits that Hennessy does not teach, suggest, or disclose each element of the claimed invention, and thus cannot constitute a proper reference under 35 USC §102. Therefore, withdrawal of the rejection is respectfully requested.

With respect to the Office Action's alleged rejection under 35 USC §103(a), Applicant respectfully submits that the teachings of Krogstad do not overcome the inadequacies and deficiencies of Lee. Krogstad does not teach, suggest, or disclose the openings in the "closed: position" for conveyance of the feces to the bag from the collection members, as along the X axis of the collection members in accordance with the instant invention.

Therefore, Applicant respectfully submits that the alleged combination of Lee and Krogstad does not teach, suggest, or disclose the invention as set forth in the instant application. Accordingly, withdrawal of the rejection under 35 USC §103(a) is respectfully requested.

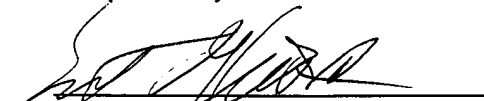


In summary, Applicant respectfully submits that the applied art of record does not teach, suggest, or disclose the invention as claimed. Therefore, withdrawal of the rejections set forth in the Office Action is respectfully requested, and allowance of the application is respectfully solicited.

In view of the foregoing, Applicants respectfully submit that the application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are respectfully requested.

Should the Examiner believe that anything further is needed to place the application in even better condition for allowance, the Examiner is requested to contact Applicants' undersigned representative at the telephone number below.

Respectfully submitted,

  
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